



BRB No. 17-0490 BLA
Case No. 2015-BLA-05568

RALPH NAPIER)	
)	
Claimant-Respondent)	
)	
v.)	
)	
R & R MINING, LLC)	DATE ISSUED: 05/17/2018
)	
and)	
)	
AMERICAN MINING INSURANCE)	
COMPANY)	
)	
Employer/Carrier-)	
Petitioners)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	
)	
Party-in-Interest)	ORDER

On April 30, 2018, the Board ordered the parties to show cause within ten (10) days why this case should not be remanded for the administrative law judge to reconsider the substantive and procedural actions previously taken and to issue a decision on the merits accordingly. *Napier v. R & R Mining, LLC*, BRB No. 17-0490 BLA (Apr. 30, 2018) (unpub. Order). The Director, Office of Workers' Compensation Programs, responds that she does not object to the case being remanded. Employer/carrier respond, agreeing that the case should be remanded. Claimant has not filed a response to the Order to Show Cause.

Upon consideration of the positions of the parties, we agree that under these circumstances the most expeditious course of action is to remand this case to the administrative law judge to promptly reconsider the substantive and procedural actions previously taken and to issue a decision on the merits accordingly. 20 C.F.R. §802.405(a). Any party adversely affected by the administrative law judge's decision may file a new appeal with the Board within thirty (30) days of the date that the decision is filed with the district director. 20 C.F.R. §802.205.

Therefore, this case is remanded to the administrative law judge for further proceedings consistent with this Order.

BETTY JEAN HALL, Chief
Administrative Appeals Judge

RYAN GILLIGAN
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge